SINGLE BENCH

Rs 100/-

2 (4)

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

W. P. (S)No. 906 /2007(S.B.)

PETITIONER : Bhupdeo Prasad Izardar
S/o Shri Hariram Izardar
Aged about 46 years, Asst. Teacher, R/o Village & Post– Sariya, Tah.-Sarangarh, Dist : Raigarh-(C.G.)

P.R. No. 1104/07
Presented by Shri N.K. pandey
dated 02-02-2007

VERSUS

RESPONDENTS :1. State of Chhattisgarh
Through : Secretary
School Education Department,
D.K.S. Bhawan, Raipur (C.G.)
2. District Education Officer
Raigarh,
Dist : Raigarh-(C.G.)
3 Block Education Officer
Block – Raigarh District – Raigarh (C.G.)

RECEIVED-COPY
7/2/07
CLERK to A. G. BILASPUR

COMMISSIONER
APARNA MALVIYA
CG-2073/96
Bilaspur Chhattisgarh

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

(15)

HIGH COURT OF CHHATTISGARH AT BILASPUR

W. P.(S) No. 905 of 2007

Petitioner : Smt. Ishwari Bhoi

Versus

Respondents : State of Chhattisgarh and others

And

W. P.(S) No. 906 of 2007

Petitioner : Bhupdeo Prasad Izardar

Versus

Respondents : State of Chhattisgarh and others

SB: Hon'ble Mr. Justice Satish K. Agnihotri, J

Present: Mr. Vineet Kumar Pandey, counsel for the petitioners.

Mr. Ajay Dwivedi, Panel lawyer for the State/respondents.

O R D E R

(Passed on this 15th Day of February, 2007)

1. The petitioners were appointed vide orders dated 27.1.89 and 31.3.89 (Annexure P/1), respectively as Assistant Teachers on fixed pay scale of Rs. 300/-. After completion of one year probation, they were granted regular pay scale.

2. Learned counsel appearing for the petitioners submits that the issue involved in the case is asto whether the petitioners are entitled to regular pay scale w.e.f. the date of initial appointment or after completion of probation period.

3. The issue involved, herein was considered by the Madhya Pradesh State Administrative Tribunal, Jabalpur in O.A. No. 2745/89 (Madhukant Yadu and 56 others Vs. State of M.P. & others), wherein

(12)

it was held that the similarly situated teachers are entitled to regular pay scale w.e.f. the date of initial appointment. The matter was taken-up to the Hon'ble Supreme Court in Special Leave Petition (Civil) No. 6892/93. The said petition was dismissed by the Hon'ble Supreme Court upholding the decision of the Tribunal to the effect that the Teachers/Assistant Teachers are entitled to regular pay scale from date of initial appointment.

4. Learned counsel appearing for the petitioners further submits that this Court, while considering the same issue in Sushil Tiwari & others Vs. State Govt. of Chhattisgarh & others (W.P. (S) No. 5976 of 2006) by order dated 7-11-2006, has granted regular pay scale w.e.f. the date of initial appointment.

5. Learned counsel appearing for the parties jointly submit that this cases are squarely covered by the decision of this Court in the case of Sushil Tiwari & others Vs. State Govt. of Chhattisgarh & others (Supra).

6. In view of that, these writ petitions are allowed in the same terms. No order as to costs.

7. A copy of this order be placed on record in connected writ petition.

Sd/-
Satish K. Agnihotri
Judge

Bablu